

1 Irma Y. Monge
2 1556 Hillsborough St
3 Chula Vista, Ca 91913

4 Plaintiffs in Pro Se

FILED

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CLERK US DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

BY *[Signature]* DEPUTY

6 UNITED STATES DISTRICT COURT
7 SOUTHERN DISTRICT

9 Irma Y. Monge

10 Plaintiff,

11 V.

12 BANK OF AMERICA N.A a/k/a BAC
13 HOME LOANS SERVICING, LP
14 (FORMERLY COUNTRYWIDE HOME
15 LOANS SERVICING, LP); GUILD
16 MORTGAGE COMPANY; RECONTRUST
17 N.A; MERS: ALL PERSONS UNKNOWN
18 CLAIMING ANY LEGAL OR EQUITABLE
19 RIGHT, TITLE, ESTATE, LIEN OR
20 INTEREST IN THE PROPERTY.
21 DESCRIBED IN THE COMPLAINT
22 ADVERSE TO PLAINTIFF'S TITLE, OR
23 ANY CLOUD ON PLAINTIFF'S TITLE
24 THERETO and DOES 1 through 50 inclusive

Defendants.

CASE NO:

'12 CV 3061 GPC KSC

COMPLAINT FOR:

- (1) Violation of 15 U.S.C. § 1611 et seq.
- (2) Violation of 26 U.S.C. § 2605 et seq.
- (3) Violation of 15 U.S.C. § 1602 et seq.
- (4) Violation of 15 U.S.C. § 1692 et seq.
- (5) Breach of Fiduciary Duty.
- (6) Breach of Covenant of Good Faith and Fair Dealing.
- (7) Injunctive Relief.
- (8) For Declaratory Relief.
- (9) Fraud.
- (10) Violation of California civil code 2923.6

VIOULATION OF [15 U.S.C. § 1611 et seq.]; VIOULATION OF [26 U.S.C. § 2605 et seq.]; VIOULATION OF [15 U.S.C. § 1602 et seq.]; VIOULATION OF [15 U.S.C. § 1692];

24 COMES NOW, Plaintiff PLANTIFF Irma Y. Monge, hereby complains and alleges as follows:

25 **ALLEGATIONS COMMON TO ALL COUNTS**

- 26 1. Plaintiff(s), PLANTIFF Irma Y. Monge is a resident of the County of San Diego and the
27 owner of certain real property (hereinafter referred to as "the Property") located at 1556
28 Hillsborough St, Chula Vista, Ca 91913 and more particularly described as:

Original

1 A.P.N.: No 643-570-11-00

2 Lot 11 of Chula Vista Track No. 02-05, Hillsborough at Otay Ranch Unit 1, Neigborhood R-
3 2a Unit 1 in the City of Chula Vista, County of San Diego, State of California, According to
4 Map thereof No. 14524, filed in the Office of the County Recorder of San Diego County,
5 December 27, 2002

- 6
- 7 2. Plaintiff Irma Y. Monge is an individual consumer of more than 18 years of age and a
8 resident of San Diego County, California as well as this Judicial District. He respectfully
9 requests a jury trial on all issues so triable.
- 10 3. Defendant BAC Home Loans Servicing, LP ("BAC"), formerly known as Countrywide Home
11 Loans Servicing LP, is a Texas limited partnership with a principal place of business at 6400
12 Legacy Drive, Plano, Texas 75024.
- 13 4. BAC lists with the North Carolina Secretary of State a registered agent for service of process
14 by the name of CT Corporation System, located at 150 Fayetteville Street, Box 1011, Raleigh
15 North Carolina 27601.
- 16 5. Plaintiff is informed and believes, and thereon alleges, that at all times relevant herein, BAC,
17 either under its current name, or under the name of Countrywide Home Loans Servicing LP,
18 acted as the loan servicer for the subject loan of this action.
- 19 6. Defendant Guild Mortgage Company Corp ("Guild Mortgage") at all times herein mentioned
20 was doing business in the County of San Diego, State of California and was one of the
21 original Lender for Plaintiff's Deed of Trust Deed and Note (See Exhibit "A").
- 22 7. Defendant ReconTrust Company, National Association ("ReconTrust"), is a non-deposit trust
23 company which maintains a principal place of business located at 1800 Tapo Canyon Road,
24 Simi Valley, California 93063.
- 25 8. The true names of Defendants named herein as DOES 1 through 50, whether individual,
26 corporate, associate or otherwise, are presently unknown to Plaintiff who therefore, sues said
27 Defendants by such fictitious names; Plaintiff are informed and believes and thereon alleges
28 that each of the Defendants so designated herein proximately caused and contributed to the
damages herein alleged, and Plaintiff will ask leave of Court to amend this Complaint to